

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| Plaintiff, |) | 4:19-cr-00980-HEA-JMB |
| |) | |
| v. |) | |
| |) | |
| HAITAO XIANG, |) | |
| |) | |
| Defendant. |) | |

**JOINT SUBMISSION OF PROPOSED ATTACHMENT B
TO HIGHLY CONFIDENTIAL PROTECTIVE ORDER**

COMES NOW the United States of America by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Matthew T. Drake and Gwendolyn E. Carroll, Assistant United States Attorneys for said District, and Vadim A. Glazman, counsel for defendant Haitao Xiang, and jointly submit the proposed Attachment B to Doc. No. 57, the Supplemental Protective Order Regarding Highly Confidential Materials Pursuant to Federal Rule of Criminal Procedure 16(d) (“Highly Confidential Materials Protective Order”). In support of this submission, the parties state as follows:

1. On May 7, 2020, this Court issued Doc. No. 57, the Highly Confidential Materials Protective Order.

2. That Order provides in part:

Defense counsel may disclose HIGHLY CONFIDENTIAL materials to Expert Witnesses or Consultants (“Expert Witness”) provided that (i) such Expert Witness is not a current or former (within the past five years) officer, director, or employee of a competitor of any company identified in Attachment B to this Order, and provided that such Expert Witness is not anticipated at the time of retention to become an officer, director, or employee of any entity identified in Attachment B to this Order; and (ii) such Expert Witness is not involved in competitive decision making—as defined by U.S. Steel v. United States, 730 F.2d 1465, 1468 n.3 (Fed. Cir. 1984)—for any company identified in Attachment B to this Order. Any Expert

Witness who receives the HIGHLY CONFIDENTIAL materials shall not seek nor engage in any commercial, financial or professional relationship with those competitors of Bayer AG, Monsanto and The Climate Corporation, which are set forth in Attachment B, during the pendency of the litigation in this matter.

Doc. No. 57 at ¶7.

3. Counsel for the United States has conferred with counsel for Bayer AG, Monsanto and The Climate Corporation and have identified the individuals and entities to be included in Attachment B.

4. Counsel for the United States has conferred with counsel for Defendant Xiang, and the parties are in agreement as to the information reflected in Attachment B.

WHEREFORE, based on the foregoing, the parties respectfully request that this Court enter Attachment B as an Attachment to Doc. No. 57.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Gwendolyn E. Carroll

Gwendolyn E. Carroll #4657003NY

Assistant United States Attorney